

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

**1. JOHN WILLIS
a/k/a “Bac Guai John”
2. BRANT WELTY
12. BRIDGET WELTY**

Defendants.

CRIMINAL NO. 11-cr-10212-JLT

**SECOND MOTION TO MODIFY FORFEITURE RESTRAINING ORDER RE:
PREMISES OCCUPIED BY CRU WINE AND SPIRITS, INC.
[ASSENTED-TO]**

The United States of America, by its undersigned counsel, with the assent of Defendants Brant Welty and Bridget Welty, and without objection from Defendant John Willis, hereby moves that this Court further modify the forfeiture restraining order entered in this case with respect to the premises occupied by CRU Wine & Spirits, Inc. (“CRU”), located at 1750-1752 Washington Street, Boston, Massachusetts (the “CRU Premises”), in order to facilitate the vacation of the CRU Premises by CRU and the return of those Premises to the landlord, PGR Management/Rooster Realty Trust, and its managing agent, Heath Properties (collectively, “PGR”).

On August 17, 2011, on the United States’ motion, and without objection from the Defendants, this Court modified the May 27, 2011, post-indictment forfeiture restraining order (Docket No. 22) (the “Restraining Order”) to allow PGR (a) to enter the CRU Premises for the purposes of checking, installing, and improving the building’s fire alarm and fire suppression system, including any related fire-suppression sprinkler system; and (b) to serve a notice to quit

upon CRU for non-payment of rent and/or other alleged violations of CRU's lease for the Premises. Docket No. 123.

The United States, by its undersigned counsel, and Defendants Brant Welty and Bridget Welty, who are the principals of record of CRU, by their undersigned counsel, have now agreed that CRU will vacate the CRU Premises and return the CRU Premises to the custody of PGR. Defendant John Willis, who, the government contends, is the true owner of CRU, has disclaimed any interest in the CRU Premises, and, through his undersigned counsel, has confirmed that he does not object to this motion.

WHEREFORE, the United States requests that this Court further modify the Restraining Order by entering a Second Order Modifying Forfeiture Restraining Order Re: Premises Occupied by CRU Wine and Spirits, Inc., in the form submitted with this motion.

Respectfully submitted,
CARMEN M. ORTIZ
United States Attorney
By: /s/Richard L. Hoffman
Richard L. Hoffman
Timothy E. Moran
Assistant U.S. Attorneys
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3279

Dated: August 30, 2011

DEFENDANTS BRANT WELTY AND BRIDGET WELTY ASSENT TO THIS MOTION
AND THE PROPOSED ORDER; DEFENDANT JOHN WILLIS DOES NOT OBJECT:

BRANT WELTY
By his attorney
/s/Kevin L. Barron
Kevin L. Barron, Esq.

BRIDGET WELTY
By her attorney
/s/Mark D Smith
Mark D. Smith, Esq.

JOHN WILLIS
By his attorney,
/s/R. Bradford Bailey
R. Bradford Bailey, Esq.

CERTIFICATE OF SERVICE

I hereby certify that I am filing the foregoing motion and the proposed order today via the ECF system, which will cause a copy to be served on all counsel of record by electronic mail.

Dated: August 30, 2011

/s/Richard L. Hoffman

Richard L. Hoffman

Assistant U.S. Attorney